

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELANOR TEDONE,

Plaintiff,

7:07-cv-04111 (KMK) (MDF)

-against-

H.J. HEINZ COMPANY, OWENS-ILLINOIS,
INC. d/b/a OWENS-BROCKWAY GLASS
CONTAINERS and MGM MIRAGE INC.
d/b/a BORGATA HOTEL CASINO SPA,

**JOINT MOTION TO EXTEND
DISCOVERY DEADLINES**

Defendants.

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The plaintiff ELANOR TEDONE by and through her counsel, and the defendants H.J. HEINZ COMPANY, OWENS-ILLINOIS, INC. d/b/a OWENS-BROCKWAY GLASS CONTAINERS and MGM MIRAGE INC. d/b/a BORGATA HOTEL CASINO SPA, by and through their counsel, jointly move this Honorable Court for a ninety (90) day extension of the current discovery deadlines as established by the Case Management Plan filed September 4th, 2007 (Document No. 12). In support of this joint motion, the parties state as follows:

(1) This case involves allegations of product liability arising out of plaintiff's injury on or about February 20th, 2005. Plaintiff claims that while she was attempting to open a bottle of Heinz Ketchup at the Borgata Hotel in Atlantic City, NJ, the bottle broke in her hand. Plaintiff claims that the bottle was defectively manufactured, shipped, distributed and handled by the defendants.

(2) The original deadlines which the parties are seeking to extend are:

- a. Completion of All Discovery
currently set for:
extension sought until:

April 30th, 2008
July 29th, 2008

b. Completion of All Expert Discovery
currently set for:
extension sought until:

April 15th, 2008
July 14th, 2008

(2) This is the first time a request for an extension of the discovery deadlines has been sought.

(3) All parties consent to and join in this requested extension.

(4) Preliminary written discovery demands have been exchanged, and a volume of written discovery material has been provided (including medical records). The plaintiff's deposition has been completed. The bottle at issue has been inspected.

(5) Completion of the defense depositions has been complicated and made more difficult by the fact that all of the defendants reside out-of-state. Even so, the deposition of the defendants H.J. Heinz and Borgata is firmly scheduled for Wednesday, March 26th, 2008, and the deposition of the defendant Owens-Illinois is firmly scheduled for Tuesday, April 8th, 2008.

(6) No expert depositions have taken place to date. Given the current discovery cut-off date and scheduled dates for defense fact witnesses, the parties are requesting an additional ninety (90) days to complete any additional discovery that may be required as a result of the defense depositions, as well as the depositions of all experts.

WHEREFORE the plaintiff ELANOR TEDONE by and through her counsel,
and the defendants H.J. HEINZ COMPANY, OWENS-ILLINOIS, INC. d/b/a OWENS-
BROCKWAY GLASS CONTAINERS and MGM MIRAGE INC. d/b/a BORGATA
HOTEL CASINO SPA, by and through their counsel, respectfully request that the

discovery schedule and trial date be extended as requested herein, and for such other and further relief as this Honorable Court deems just and proper.

Dated: November 6th, 2007
White Plains, NY

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on March 21st, 2008, a copy of the foregoing Joint Motion to Extend Discovery Deadlines was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

GOLDBERG SEGALLA, LLP

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